UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,197	03/01/2002	Ajay Kumar	5681-11800	8610

7590 02/26/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	02/26/2007	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 2.6 2007

Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/087,197
Filing Date: March 01, 2002
Appellant(s): KUMAR ET AL.

Robert C. Kowert (Reg. No. 39,255)
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 11/16/06 appealing from the Office action mailed 4/24/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0143958 A1	MONTERO et al.	10-2002
5,870,759	BAUER et al.	2-1999
5,813,017	MORRIS	9-1998
6,546,135	LIN et al.	4-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3-5, 8-9, 11-12, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Montero et al. (U.S. Publication No. 2002/0143958 A1) in view

of Bauer et al. (U.S. Patent No. 5,870,759).

With respect to claim 1, Montero teaches a distributed store comprising a primary

state of session data configured for access by a plurality of application servers, wherein

the session data comprises a plurality attributes (i.e., a common session database

storing session data comprising a plurality attributes, fig. 1, sections 18-19 on page 2,

section 26 on pages 2 and 3, and section 35 on page 3). Montero teaches a first

application server of the plurality of application servers, comprising a client state of the

session data accessible to processes executing within the application server, wherein

the first application server is configured to track accesses of the attributes of the client

state (fig. 1, abstract, section 11 on page 1, sections 14 and 20 on page 2, sections 35-

36 on page 3, and sections 42 and 44-46 on page 4). Montero teaches the distributed

store configured to synchronize the primary state with the client state according to the

tracked accessed attributes (section 26 on pages 2-3 and sections 44-45 on page 4).

Montero does not explicitly disclose the first application server is configured to store

information identifying the accessed attributes to track accesses of the attributes of the

client state. However, Bauer teaches a server is configured to track accesses of data,

wherein to track accesses of the data, the server is configured to store information

identifying the accessed data (i.e., an update log, line 61 in col. 3 thru line 27 in col. 4,

lines 48-59 in col. 9, and lines 52-59 in col. 1) in order to minimize the cost of

synchronization (lines 54-62 in col. 7). Therefore, based on Montero in view of Bauer, it

would have been obvious to one having ordinary skill in the art at the time the invention

was made to utilize the teaching of Bauer to the system of Montero in order to minimize

the cost of synchronization.

With respect to claim 3, Montero does not explicitly disclose tracking mutable

attributes and not tracking immutable attributes. However, Bauer teaches tracking

mutable data items and not tracking immutable data items (lines 53-60 in col. 3 and lines 28-52 in col. 28). Therefore, the limitations of claim 3 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

The limitations of claim 4 are rejected in the analysis of claim 3 above, and the claim is rejected on that basis.

With respect to claim 5, Montero teaches the distributed store is configured to update the primary state with the subset of the accessed attributes that have been modified for synchronizing the primary state with the client state (section 26 on pages 2-3). Montero does not explicitly disclose performing a comparison of the tracked accessed attributes and a benchmark of the session data comprising a previous version of the one or more attributes. However, Bauer teaches performing a comparison of the tracked accessed attributes and a benchmark (i.e., a before-image data) comprising a previous version of the one or more attributes to determine a subset of the tracked accessed attributes that are modified in respect to the benchmark (i.e., the before-image data, line 50 in col. 1 thru line 2 in col. 3, lines 34-52 in col. 3, lines 27-67 in col. 9, and lines 1-11 in col. 10). Therefore, the limitations of claim 5 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

The limitations of claims 8-9, 11, 15, and 17 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitations of claims 12 and 18 are rejected in the analysis of claim 5 above, and these claims are rejected on that basis.

3.   Claims 6, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Montero et al. (U.S. Publication No. 2002/0143958 A1) in view of Bauer et al. (U.S.

Patent No. 5,870,759), and further in view of Morris (U.S. Patent No. 5,813,017).

With respect to claim 6, Montero and Bauer disclose the claimed subject matter

as discussed above. Bauer further discloses many other comparison methods for

determining modifications since a last synchronization (lines 47-59 in col. 9). Montero

and Bauer do not explicitly disclose a binary comparison. However, Morris discloses a

binary comparison for determining differences for database synchronization (abstract

and line 47 in col. 11 thru line 13 in col. 12) in order to reduce the cost of

synchronization (i.e., reducing network transmission cost, col. 6, lines 20-30 and col. 7,

lines 1-25). Therefore, based on Montero in view of Bauer, and further in view of

Morris, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to utilize the teachings of Morris to the system of Montero in order

to reduce the cost of synchronization.

The limitations of claims 13 and 19 are rejected in the analysis of claim 6 above,

and these claims are rejected on that basis.

4.   Claims 7, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Montero et al. (U.S. Publication No. 2002/0143958 A1) in view of Bauer et al. (U.S.

Patent No. 5,870,759), and further in view of Lin et al. (U.S. Patent No. 6,546,135).

With respect to claim 7, Montero and Bauer disclose the claimed subject matter

as discussed above. Bauer further discloses many other comparison methods for

determining modifications since a last synchronization (lines 42-53 in col. 9). Montero

and Bauer do not explicitly disclose an object graph comparison. However, Lin

discloses comparing data differences using DAG (directed acyclic graph)

representation, which teaches an object graph comparison (abstract, line 40 in col. 7

thru line 14 in col. 8, and fig. 5). Therefore, based on Montero in view of Bauer, and

further in view of Lin, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to utilize the teachings of Lin to the system of Montero

in order to determine differences of two versions of data, thereby performing an

effective database synchronization.

The limitations of claims 14 and 20 are rejected in the analysis of claim 7 above,

and these claims are rejected on that basis.

(10) Response to Argument

A. The applicants argue that <u>Montero and Bauer fails to teach or suggest a first</u>

<u>application server of the plurality of application servers, comprising a client state of the</u>

<u>session data accessible to processes executing within the application server,</u> *<u>wherein</u>*

<u>the first application server is configured to track accesses of the individual attributes of</u>

<u>the client state, wherein to track accesses of the individual attributes of the client state,</u>

<u>the first application server is configured to store information identifying the accessed</u>

<u>individual attributes</u>.

The examiner respectfully traverses.

A(1) Montero teaches *the first application server configured to track*

***accesses* of the individual attributes of the client state.**

It is a well settled rule that a reference must be considered not only for what it

expressly teaches, but also for what it fairly suggests. See *In re Burckel,* 592 F.2d

1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti,* 545 F.2d 747, 192 USPQ 278

(CCPA 1976) as well as *In re Bode,* 550 F.2d 656, 193 USPQ (CCPA 1977) which

indicates such fair suggestions to unpreferred embodiments must be considered even if

they were not illustrated. Additionally, it is an equally well settled rule that what a

reference can be said to fairly suggest relates to the concepts fairly contained therein,

and is not limited by the specific structure chosen to illustrate such concepts. See *In re*

Bascom, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Montero discloses an application server updates session data in its local memory

and also writes the updated session data to the common session database **after each**

request (section [20], lines 3-5). Montero discloses session data gets written to the

common session database **every time** it is **modified** (section [45], lines 3-4). Montero

discloses writing **deferred writes** to the common session database based on criteria,

such as time-based criteria and/or occurrence-based criteria (section [49]; section [50],

lines 18-21). Montero discloses a write to the common session database should be

performed **only if** the session data has been **modified** (section [44], lines 2-5; section

[20], lines 3-5; and section [53], lines 24-30). These teach **every change to the**

session data is written to the common database after each request or every time a

change occurs, or based on such criteria above. Therefore, the applicants' argument of

"...Montero specifically teaches away from updating the session data in the database

after every request or every attribute change..." is not persuasive.

Montero discloses session data includes session attributes (section [19]).

Montero discloses writing the last access time attribute(s) of the session data to the

common session database if the session data are only retrieved or accessed (i.e., a

read/get request causes the last access time attribute(s) to be modified for up-to-date

accessed time) (section [44], lines 5-9 and section [38], lines 9-11), thus the common

session database is synchronized with the accessed and modified session attributes in

an application server. Montero discloses writing the modified attributes of the session

data as well as the last access time attributes of the session data to the common

session database if the session data are modified (section [44], lines 9-13 and section

[38], lines 11-12), thus the common session database is synchronized with the

accessed and modified session attributes in the application server. Therefore, Montero

teaches synchronizing the common session database with any changed individual

session attributes of the session data in the application server. In other words, Montero

teaches session attributes of the session data in the application server are not

synchronized to the common session database if the session attributes are not changed.

Furthermore, Montero also discloses a write to the common session database

should be performed **only if** the session data has been **modified** (section [44], lines 2-

13; section [20], lines 3-5; and section [53], lines 24-30). Thus, if the session data is not

changed, then the session data would not be written to the common session database.

Therefore, the applicants' "Counting the number of times session data is updated

and then writing the _**entire**_ copy of the session data..." is mischaracterized, since

Montero would write **only** the **changed** copy of the session data as discussed above.

Furthermore, Montero discloses deferring writes (i.e., synchronization of changed

session attributes as discussed above) to the common session database based on

criteria, such as (1) the number of requests in a session since the last write to the

database, (2) the number of changes made to the locally stored session data in a

session since the last write to the database, or (3) some combination of any of the

above-noted factors and/or a specified interval (section [49]). Deferring writes occurs at

the application server (section [50], lines 1-4 and section [50], lines 18-21). Thus, the

application server would provide a mechanism to hold, store, or maintain the deferred

writes. The deferred writes to the common session database are triggered based on

the criteria, such as (1) the number of requests (i.e., read/get requests and/or update

requests) and (2) the number of changes. Therefore, the application server would have

to monitor and/or identify accesses and any changes to session data in the application

server in order to trigger the synchronization. Furthermore, the application server would

track/monitor accesses to the session data (i.e., session attributes) in order to keep

track of the number of requests (i.e., read/get requests and/or update requests). The

application server would track/monitor changes to session data (i.e., session attributes)
in order to keep track of the number of changes as well.

Therefore, Montero teaches *the first application server configured to track*
accesses of the individual attributes of the client state.

A(2) Montero in view of Bauer teach *wherein to track accesses of the*
individual attributes of the client state, the first application server is configured to
store information identifying the accessed individual attributes.

In response to applicant's arguments against the references individually, one
cannot show nonobviousness by attacking references individually where the rejections
are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208
USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.
1986).

In response to applicant's argument that there is no suggestion to combine the
references, the examiner recognizes that obviousness can only be established by
combining or modifying the teachings of the prior art to produce the claimed invention
where there is some teaching, suggestion, or motivation to do so found either in the
references themselves or in the knowledge generally available to one of ordinary skill in
the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*
Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Montero
discloses synchronization of session data in a common session database (target) with

session data in an application server (source) (section [26]) in a client/server

environment. Bauer also discloses synchronization of a target database of a server with

a source database of a client of the server (col. 1, lines 52-59 and abstract) in a

client/server environment. Montero does not explicitly disclose the first application

server (source) being configured to store information identifying the accessed attributes

to track accesses of the attributes of the client state. However, Bauer teaches a server

(source) being configured to track accesses of data, wherein to track accesses of the

data, the server is configured to store information identifying the accessed data (i.e., a

client (source) utilizing an update log for storing information of operations, such as

updates, insertion, and a deletion of data, col. 9, lines 48-54; col. 9, lines 3-22; and col.

3, lines 62-65) in order to minimize the cost of synchronization (col. 1, lines 56-59 and

col. 7, lines 54-57). Therefore, based on Montero in view of Bauer, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

utilize the teaching of Bauer to the system of Montero in order to minimize the cost of

synchronization.

"Reason, suggestion, or **motivation to combine two or more prior art**

references in single invention **may come from references themselves**, from

knowledge of those skilled in art that certain references or disclosures in references

are known to be of interest in particular field, or from **nature of problem to be solved**;"

Pro-Mold and Tool Co. v. Great Lakes Plastics Inc. U.S. Court of Appeals Federal

Circuit 37 USPQ2d 1626 Decided February 7, 1996 Nos. 95-1171, -1181

"Test of obviousness is not whether features of secondary reference may be
bodily incorporated into primary reference's structure, nor whether claimed invention is
expressly suggested in any one or all of references; rather, **test is what combined
teachings of references would have suggested to those of ordinary skill in art**." In
re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

Bauer discloses a goal of the database synchronizer is to minimize the cost of
synchronization by reducing communication costs and delays in synchronizing the
database data (col. 1, lines 56-59 and col. 7, lines 54-57). Bauer discloses the term
synchronize is defined to be the act whereby data in two databases are restored to
consistency, and that is, **updates** performed by either client or server **are propagated
to the other side** **when a connection is established** (col. 1, lines 52-56). The delays
in synchronizing the database data in Bauer are about the delays when a connection
between a source and a target database is established (col. 1, lines 52-59) or during a
(on-going) synchronization process (col. 7, lines 5-14). Thus, the delay in Bauer is not
the same as an aspect of deferring or postponing the synchronization. Bauer discloses
the prior art approach of synchronization is inefficient because data which has not been
modified is transmitted to the server (col. 7, lines 5-9), thus slowing down the
synchronization process (col. 7, lines 9-14). Such slowing down the synchronization
process teaches the delays in synchronizing the database data when a connection is
established. Since unnecessary data (data that has not been modified) are transferred,
such unnecessary data would delay the on-going synchronization process. Bauer

discloses the database synchronizer is efficient over relatively slow communication

channels because minimal data is transferred between the clients and the server (col. 7,

lines 59-62). This teaches communication costs and delays in synchronizing the

database data can be reduced by transmitting minimal data between the source and the

target. Therefore, since the applicants' arguments of minimizing delay in

synchronization of data between the client and the database in Bauer are based on

before the connection established, the applicants' arguments are not persuasive.

Furthermore, as discussed in A(1) above, Montero defers synchronization until

the criteria are met, thereby minimizing use of system resources (i.e., less number of

network connections) (sections [21] and [23]). When the criteria are met, the

synchronization process is initiated in Montero. The cost of the initiated synchronization

process can be minimized by transferring minimal data between the source and the

target as taught by Bauer in the system of Montero. The minimization of the

synchronization cost via the minimal data transfer teaches the minimization of use of

system resources since the minimal data transfer results in consuming less bandwidth

of the connection and less connection duration time. Montero minimizes use of system

resources in database synchronization by deferring writes, and such minimization of the

system resources use in database synchronization is further enhanced by transferring

only modified/changed data (minimal data) based on Montero in view of Bauer.

Thus, the applicants' arguments of "the Examiner failed to provide a proper

motivation for modifying the system of Montero" in 3rd paragraph of page 14 in the Brief

are not persuasive.

Therefore, Montero in view of Bauer teach *wherein to track accesses of the*

individual attributes of the client state, the first application server is configured to store

information identifying the accessed individual attributes.

As discussed above in A(1) and A(2), Montero in view of Bauer teach *the first*

application server is configured to track accesses of the individual attributes of the client

state, wherein to track accesses of the individual attributes of the client state, the first

application server is configured to store information identifying the accessed individual

attributes. Thus, the applicants' arguments are not persuasive.

B. The applicants argue, regarding claim 3, that Montero and Bauer fails to

teach or suggest that *the first application server is further configured to track mutable*

individual attributes and not track immutable individual attributes.

The examiner respectfully traverses.

Bauer further discloses the database synchronizer (item 27 in fig. 1 and col. 7,

lines 43-46) of the client (item 20 in fig. 1 and col. 7, lines 43-46) using a smart

differencing technique which enables the database synchronizer to identify data items

as being mutable and immutable and to track mutable data items and not to track

immutable data items (col. 3, lines 53-60 and col. 28, lines 28-34) in order to minimize

storage requirements of data, thereby minimizing the cost of synchronization.

Therefore, as discussed above in **A**, based on Montero in view of Bauer, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Bauer to the system of Montero in order to minimize the cost of synchronization.

Also as discussed above in **A**, Montero teaches every change to the session data is written to the common database after each request or every time a change occurs, or based on such criteria above. Therefore, the applicants' argument of "...Montero specifically teaches away from updating the session data in the database after every request or every attribute change..." is not persuasive.

Therefore, the applicants' arguments are not persuasive.

C. The applicants argue, regarding claim 4, that Montero and Bauer fails to teach or suggest that *the distributed store is further configured to synchronize only mutable individual attributes*.

As discussed above in A, Montero discloses a write to the common session database should be performed **only if** the session data (i.e., attributes) has been **modified** (section [44], lines 2-13; section [20], lines 3-5; and section [53], lines 24-30), thus, if the session data is not changed, then the session data would not be written to the common session database. This teaches the common session database configured to synchronize only changed/modified session attributes since only changed/modified session attributes are written to the common session database. Changed/modified

session attributes teach mutated session attributes, thus teaching mutable session attributes.

Furthermore, Bauer also discloses the database synchronizer (item 27 in fig. 1 and col. 7, lines 43-46) of the client (item 20 in fig. 1 and col. 7, lines 43-46) using a smart differencing technique which enables the database synchronizer to identify data items as being mutable and immutable and to track mutable data items and not to track immutable data items (col. 3, lines 53-60 and col. 28, lines 28-34) in order to minimize storage requirements of data, thereby minimizing the cost of synchronization.

Therefore, as discussed above in **A**, based on Montero in view of Bauer, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Bauer to the system of Montero in order to minimize the cost of synchronization.

Also as discussed above in **A**, Montero teaches every change to the session data is written to the common database after each request or every time a change occurs, or based on such criteria above. Therefore, the applicants' argument of "...Montero specifically teaches away from updating the session data in the database after every request or every attribute change..." is not persuasive.

Therefore, the applicants' arguments are not persuasive.

D. The applicants argue, regarding claim 5, that <u>Montero and Bauer fails to teach or suggest *all features recited in claim 5*</u>.

The examiner respectfully traverses.

As discussed above in **A**, Montero discloses session data includes session attributes (section [19]). Montero discloses writing the last access time attribute(s) of the session data to the common session database if the session data are only retrieved or accessed (section [44], lines 5-9 and section [38], lines 9-11), thus the common session database is synchronized with the accessed and modified session attributes in an application server. In this case, session attributes are accessed and only the last access time attribute is modified. Therefore, the last access time attribute teaches *subset of the accessed individual attributes that have been modified*. And, the last access time attribute is written to the common session database.

Montero discloses writing the modified attributes of the session data as well as the last access time attributes of the session data to the common session database if the session data are modified (section [44], lines 9-13 and section [38], lines 11-12), thus the common session database is synchronized with the accessed and modified session attributes in the application server. In this case, session attributes are accessed and not only the last access time attribute is modified, but all or some other session attributes are also modified. Therefore, the last access time attribute and the modified session attributes teach *subset of the accessed individual attributes that have been modified*. And, any modified attributes are written to the common session database.

Therefore, Montero teaches *the distributed store is configured to update the*

*primary state with the **subset of the accessed individual attributes that have been***

***modified**.*

Also as discussed above in **A**, Montero teaches every change to the session

data is written to the common database after each request or every time a change

occurs, or based on such criteria above. Therefore, the applicants' argument of

"…Montero specifically teaches away from updating the session data in the database

after every request or every attribute change…" is not persuasive.

As discussed above in **A**, Bauer's goal is to minimize the cost of synchronization

by reducing communication costs and delays in synchronizing the database data (col. 1,

lines 56-59 and col. 7, lines 54-57) via transmission of minimal data (col. 7, lines 5-14

and col. 7, lines 59-62). In order to achieve the goal, Bauer utilizes a before-image (col.

9, lines 48-51 and col. 2, lines 52-55) which teaches a benchmark, and the subset of the

accessed individual data that have been modified can be determined via a comparison

to the before-image.

Therefore, as mentioned above in **A**, based on Montero in view of Bauer, it would

have been obvious to one having ordinary skill in the art at the time the invention was

made to utilize the teaching of Bauer to the system of Montero in order to minimize the

cost of synchronization.

Thus, the applicants' arguments are not persuasive.

E. The applicants argue, regarding claim 6, that <u>Montero, Bauer, and Morris fails</u>

<u>to disclose</u> *wherein, in said comparison, the first application server is configured to*

perform a binary comparison of the tracked accessed individual attributes and the

benchmark of the session data to determine a subset of the tracked accessed individual

attributes that are modified in respect to the benchmark of the session data.

The examiner respectfully traverses.

In addition to the discussion in **D** above, Bauer further discloses one of **many**

other methods for determining the modifications since the last synchronization

can be used (col. 9, lines 48-51). Since Morris teaches binary comparison for

determining differences (modifications) for storage synchronization (abstract, col. 11,

line 48 thru col. 12, line 13), the binary comparison of Morris can be utilized in the

system of Montero in view of Bauer in order to reduce the cost of synchronization

(MORRIS, i.e., reducing network transmission cost, col. 6, lines 20-30 and col. 7, lines

1-25).

Therefore, based on Montero in view of Bauer, and further in view of Morris, it

would have been obvious to one having ordinary skill in the art at the time the invention

was made to utilize the teaching of Morris to the system of Montero in order to reduce

the cost of synchronization.

"Reason, suggestion, or **motivation to combine two or more prior art**

references in single invention **may come from** **references themselves**, from

knowledge of those skilled in art that certain references or disclosures in references

are known to be of interest in particular field, or from **nature of problem to be solved**;"

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"Test of obviousness is not whether features of secondary reference may be

bodily incorporated into primary reference's structure, nor whether claimed invention is

expressly suggested in any one or all of references; rather, **test is what combined**

teachings of references would have suggested to those of ordinary skill in art." In

re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

Also as discussed above in **A**, Montero teaches every change to the session

data is written to the common database after each request or every time a change

occurs, or based on such criteria above. Therefore, the applicants' argument of

"...Montero specifically teaches away from updating the session data in the database

after every request or every attribute change..." is not persuasive.

Therefore, the applicants' arguments are not persuasive.

F. The applicants argue, regarding claim 7, that <u>Montero, Bauer, and Lin fails to</u>

disclose <u>*wherein, in said comparison, the first application server is configured to*</u>

perform an object graph comparison of the tracked accessed individual attributes and

the benchmark of the session data to determine a subset of the tracked accessed

individual attributes that are modified in respect to the benchmark of the session data.

The examiner respectfully traverses.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

In addition to the discussion in **D** above, Bauer further discloses one of **many**

other methods for determining the modifications since the last synchronization

can be used (col. 9, lines 48-51), wherein determining the modifications teaches

determining differences between two data objects.

Lin discloses comparing two data objects for determining differences of the two

data objects using DAG (directed acyclic graph) representation, which teaches an

object graph comparison (abstract, line 40 in col. 7 thru line 14 in col. 8, and fig. 5).

Therefore, based on Montero in view of Bauer, and further in view of Lin, it would have

been obvious to one having ordinary skill in the art at the time the invention was made

to utilize the teachings of Lin to the system of Montero in order to determine differences

of two versions of data, thereby performing an effective database synchronization.

"Reason, suggestion, or **motivation to combine two or more prior art**

references in single invention **may come from references themselves**, from

knowledge of those skilled in art that certain references or disclosures in references

are known to be of interest in particular field, or from **nature of problem to be solved**;"

Pro-Mold and Tool Co. v. Great Lakes Plastics Inc. U.S. Court of Appeals Federal

Circuit 37 USPQ2d 1626 Decided February 7, 1996 Nos. 95-1171, -1181

"Test of obviousness is not whether features of secondary reference may be

bodily incorporated into primary reference's structure, nor whether claimed invention is

expressly suggested in any one or all of references; rather, **test is what combined**

teachings of references would have suggested to those of ordinary skill in art." In

re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

Also as discussed above in **A**, Montero teaches every change to the session

data is written to the common database after each request or every time a change

occurs, or based on such criteria above. Therefore, the applicants' argument of

"…Montero specifically teaches away from updating the session data in the database

after every request or every attribute change…" is not persuasive.

Therefore, the applicants' arguments are not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
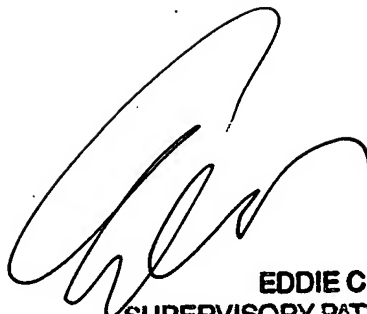
Respectfully submitted,

Jh
1/31/07

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